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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,456

04/02/2004

Geoffrey B. Rhoads

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7590

07/28/2005

DIGIMARC CORPORATION  
9405 SW GEMINI DRIVE  
BEAVERTON, OR 97008

EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/817,456

**Applicant(s)**

RHOADS, GEOFFREY B.

**Examiner**

EDWYN LABAZE

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 5/29/2005.
2. Claims 1-20 (including new claims 18-20) are presented for examination.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-11, 13, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarbouriech (U.S. 6,674,993).

Re claims 1 and 15: Tabouriech discloses method and system for identifying data locations associated with real world observations, which includes using a handheld appliance {herein described a sensing unit 10 or hand-held computer 210} (as shown in fig. # 2; col.6, lines 35+), receiving machine-readable digital data {herein interpreted as a bar code displayed of the poster/advertisement} from the poster (as shown in fig. # 6); and by reference to the data received from the poster, and establishing a link to a remote computer (col.12, lines 15-60).

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Re claim 2: Tabouriech et al. teaches an apparatus and method, wherein the appliance 10 is a wireless device {hand-held computer 210; as shown in fig. # 4] (col.10, lines 30+).

Re claim 3: Tabouriech et al. discloses an apparatus and method, wherein the appliance 10/210 comprises a computer/controller 12 (as shown in fig. # 2; col.6, lines 41+).

Re claim 4: Tabouriech et al. teaches an apparatus and method, wherein the appliance 10/210 comprises a camera {herein Tabouriech discloses that the sensing unit includes a digital camera} (col.12, lines 65+).

Re claims 5-7: Tabouriech et al. discloses an apparatus and method, wherein the appliance 10/210 includes an output device {herein described as a display/screen 212 and means of outputting the digital data/image, text, and or audio/video of the scanned product}, and the method includes presenting information to a user based on data obtained from the remote computer {as shown in fig. # 6} using the output device, and wherein the output device includes a screen 212, a speaker/annunciator 330 (col.10, lines 10-67).

Re claims 8-9, and 16: Tabouriech et al. teaches an apparatus and method in which the poster promotes a ticketed event, and the method procuring a ticket for the event using the appliance, wherein the event is a concert or movie (col.12, lines 21+; col.14, lines 1+).

Re claims 10-11: Tabouriech et al. teaches an apparatus and method, further includes communicating over the link to cause electronic content {such as images, or song/music and the like} to be downloaded to a user of the appliance 1 (col.1, lines 35+; col.11, lines 45+; col.13, lines 25+).

Re claim 13: Tabouriech et al. discloses an apparatus and method includes receiving data from the poster using optical sensing {by means of scanning} (col.12, lines 35+).

Re claim 18: Tabouriech et al. teaches an apparatus and method, further including means of determining, at said remote database, a URL corresponding to said machine-readable data, and transmitting data identifying said URL to the appliance; and at said appliance, fetching information from said URL (col.11, lines 1-30; col.12, lines 30-34; col.13, lines 43-63).

Re claim 19: Tabouriech et al. discloses an apparatus and method comprises changing the URL associated with said machine-readable data at said remote database, wherein the URL to which the poster corresponds can be changed without changing the machine-readable data received from the poster (col.13, lines 9-33).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabouriech et al. (U.S. (U.S. 6674,993) in view of Gabbard et al. (U.S. 6,205,432).

The teachings of Tabouriech et al. have been discussed above. Tabouriech et al. further discloses a wireless transmission {using radio wave technology} path (col.7, lines 60-67; col.8, lines 1+).

Tabouriech et al. fails to teach means of using electromagnetic communications, optical sensing, and printing that includes a plural-bit code steganographically encoded therein.

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Gabbard et al. discloses background advertising system, which includes means of using electromagnetic communications, optical sensing (col.8, lines 25+), and printing that includes a plural-bit code steganographically [also known in the art as a digital watermark] encoded therein (col.4, lines 7+).

In view of Gabbard et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Tabouriech et al. means of using electromagnetic communications/radiation, optical sensing, and printing that includes a plural-bit code steganographically/watermark so as to enable reading of the bar code/symbol through a sensor/detector. Furthermore such method is well known in the art {as exemplified by the examiner in U.S. 6,144,848 by Walsh et al.; col.16, lines 8+} and such modification would provide more ways of reading/transferring data among the modules/ports, and means of embedded codes printed onto the poster/advertisement, which relates/directs to specific website or internet address for promotional considerations. Moreover, such modification would have been an obvious extension as taught by Tabouriech et al., therefore an obvious expedient.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walsh et al. (U.S. 6,144,848) discloses handheld remote computer control and methods for secured interactive real-time telecommunications.

O'Hagan et al. (U.S. 6,314,406) teaches customer information network.

Schuessler et al. (U.S. 6,732,932) discloses bar code symbology with integrated user-interface graphic pattern.

Nygren et al. (U.S. 6,871,780) teaches scalable distributed database system and method for linking codes to Internet information.

Cheatle et al. (US 2002/0140988) discloses recording images together with link information.

Yuasa (US 2002/0198777) teaches electronic coupon method and system.

Aria et al. (US 2004/0011867) discloses information access device and information delivery system.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
July 13, 2005



**THIEN M. LE**  
**PRIMARY EXAMINER**